



Willows City Council Regular Meeting

February 9, 2021
Willows City Hall
7:00 p.m.

Agenda

201 North Lassen Street
Willows, CA 95988
(530) 934-7041

City Council
Larry Domenighini, Mayor
Gary Hansen, Vice Mayor
Kerri Warren, Council Member
Joe Flesher, Council Member
Jeff Williams, Council Member

Interim City Manager
Wayne Peabody

City Clerk
Tara Rustenhoven

NOTICE:

Pursuant to N-25-20 issued by Governor Gavin Newsom suspending portions of the Brown Act, the February 09, 2021 Willows City Council meeting will be OPEN to the public. We will be limiting the number of members of the public physically present in Council chambers at City Hall in order to observe recommended social distancing practices. Members of the public who choose to attend in person must wear a mask or other face covering, and to wash their hands and use hand sanitizer frequently, in addition to maintaining at least six feet of distance between themselves and any others who are not members of their household to minimize the possibility of transmission of the COVID-19 virus. For those members of the public who are at high-risk or prefer not to attend in-person, the City is also providing a mechanism through which they may attend the meeting telephonically by following the instructions below.

Dial in Number: (605) 313-5611

Access Number: 404150

1. **CALL TO ORDER- 7:00 p.m.**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **PUBLIC COMMENT/WRITTEN COMMUNICATIONS**

a. **Public Comments:**

Members of the public wishing to address the Council on any item(s) not on the agenda may do so at this time when recognized by the Mayor/Vice Mayor; however, no formal action will be taken unless a majority consensus of the Council directs staff to place the item on a future agenda. Public is advised to limit discussion to one presentation per individual. While not required, please state your name and address for the record. (Oral communications will be limited to three minutes)

5. CONSENT AGENDA

Consent items are considered to be routine by the City Council and will be enacted in one motion. There will be no separate discussion on these items unless a Council Member requests, in which event the item will be removed from the consent agenda. It is recommended that the Council:

- a. Approval of general checking & payroll direct deposit check registers, Z44715-Z44739 and 38824-38834.
- b. Consider the adoption of a Resolution approving a Faithful Performance Bond.

Comments from the public are welcome. The Mayor will allow an opportunity for comments related to Public Hearings or any item on the agenda. Please limit comments to three minutes per topic, and one comment per person per topic. Once comments conclude, please allow the Council the opportunity to continue its consideration of the item without interruption.

6. REGULAR BUSINESS AGENDA/ITEMS REQUIRING COUNCIL ACTION

- a. By motion, adopt a resolution entitled; **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APPOINTING COASTLAND CIVIL ENGINEERING AS THE ENGINEER OF RECORD FOR THE CITY OF WILLOWS LANDSCAPING AND LIGHTING SPECIAL ASSESSMENT DISTRICT AND DIRECTING THE PREPARATION AND FILING OF THE ENGINEER’S REPORT FOR FISCAL YEAR 2021-2022 (PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972).**
- b. Discuss and provide guidance to staff regarding the Audit of Sewer Enterprise Funds.

7. COUNCIL/ STAFF REPORTS/COMMENTS

- a. Staff Reports/Comments:
- b. Council Reports/Comments:

8. CLOSED SESSION

- a. **PUBLIC COMMENT:** Pursuant to Government Code Section §54954.3, the public will have an opportunity to directly address the legislative body on the item below prior to the Council convening into closed session. Public Comments are generally restricted to three minutes.
- b. **CONFERENCE WITH LEGAL COUNCIL-ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Gov. Code Section §54956.9:
Number of Cases: 2

9. ADJOURNMENT

This agenda was posted on February 4, 2021



Tara Rustenhoven, City Clerk

A complete agenda packet, including staff reports and back-up information, is available for public inspection during normal work hours at City Hall or the Willows Public Library at 201 North Lassen Street in Willows or on the City's website at www.cityofwillows.org.

In compliance with the Americans with Disabilities Act, the City of Willows will make available to members of the public any special assistance necessary to participate in this meeting. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132). The public should contact the City Clerk's office at 934-7041 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

The City of Willows is an Equal Opportunity Provider



CONSENT AGENDA



PERIOD

0/31/2021 TO 02/04/2021

Payroll Direct Deposit 244715 TO 244739

General Checking 38824 TO 38834

APPROVAL DATE 02/09/2021

APPROVED _____

February 9, 2021

AGENDA ITEM

TO: Honorable Mayor Domenighini and City Council Members
FROM: Karen Mantele, Principal Planner
SUBJECT: Consideration and Adoption of a Resolution approving a Faithful Performance Bond

PROJECT SUMMARY

The developer/property owner of the change of use project at 251 S. Tehama Street is requesting additional time in which to install site improvements to the approved project. Those site improvements are the installation of 15 carports.

Background:

On June 17, 2020, the Planning Commission heard a request from Jaimac Properties LLC for a change of use project (*from a motel to a residential/apartment use*) and for design review approval of the proposed site improvements. The Commission at this meeting adopted a Resolution granting Use Permit and Design Review approval to the project. On August 4, 2020 Mr. Sharma pulled a building permit to start the remodeling process. Numerous building inspections have taken place during that time.

On January 6, 2021, Mr. Sharma contacted Staff and requested additional time to install some of the required site improvements, the fifteen carports. Mr. Sharma desire to install a good product, to coincide with the construction remodel of the building. In obtaining estimates for carports, he found out the major difference in their costs. Fifteen sheet metal, not so strong carports would cost \$28,000. Fifteen very-strong, metal fabricated carports with pillars supported by footings, will cost \$120,000.

Condition #6 of the final adopted conditions of approval adopted with the Use Permit and Design Review approval reads: *The developer shall adhere to the design and specification of the Architectural Design Review approval for the exterior façade improvements. An occupancy permit shall not be issued in part or whole for any building or group of buildings subject to design review unless and until the work specified in the design review approval has been completed, including landscaping. If for any valid reason full compliance cannot be made; a cash bond shall be posted for the work to be completed within a reasonable period of time as determined by the City Manager or his authorized representative.* Section 2.45.070(2) of the WMC allows for the City to require posting of a bond to guarantee performance, which shall be in such amount as the City may fix.

On January 20, 2021, the Commission heard a request from Jaimac Properties LLC for additional time in which to install the 15 carports. The Commission at this meeting, adopted a

Resolution granting this time modification, per WMC Section 2.45.070(2), subject to the approval by the Council of a Faithful Performance Bond.

The City Manager had determined that the Commission should hear the request to modify the approved Design Review permit; and has determined that the bond shall be for one year with a possible one-year renewal, taking into account the circumstances at the time. The bond amount shall be set based upon the developers' written estimate plus 10%.

Financial Consideration:

None known at this time, as applicant has placed a PTA deposit to cover processing costs of the request.

Environmental Review and Analysis

The project (reimage of an existing building and change of use) pursuant to the California Environmental Quality Act (CEQA) was reviewed at the June 17, 2020 meeting, and Resolution #06-2020 adopted a finding that Section 15301, Class 1 which considered the project exempt. The timeframe consideration does not affect this CEQA determination.

NOTIFICATION

Applicant was notified of the meeting.

CITY COUNCIL OPTIONS

1. Adopt the Resolution approving the execution of the Performance Bond
2. Deny the proposed request to execute a Performance Bond
3. Take no action


RECOMMENDATION:

Staff is recommending the Council consider the request to execute a Performance Bond and adopt the attached resolution


ATTACHMENTS:

1. PC Resolution granting a modification with adopted conditions of approval
2. Draft Council Resolution
3. Draft Faithful Performance Bond

Respectfully submitted,


Karen Mantele
Principal Planner

Approved by:


Wayne Peabody
Interim City Manager

**PC RESOLUTION NO. 01-2021
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF WILLOWS
GRANTING A MODIFICATION TO DESIGN REVIEW (FILE # DR-20-03) FOR JAIMAC
PROPERTIES LLC ALLOWING A CHANGE OF TIMEFRAME IN WHICH TO INSTALL SITE
IMPROVEMENTS CONSISTING OF FIFTEEN CARPORTS FOR THE PROJECT LOCATED AT
251 S. TEHAMA STREET ASSESSORS PARCEL NUMBER 003-061-009**

WHEREAS, the applicant, Jaimac Properties LLC has received Design Review approval from the Planning Commission on June 17, 2020 for several site improvements for the change of use project at 251 S. Tehama Street; and,

WHEREAS, the applicant requested a modification to the time frame in which to complete the site improvements of installing fifteen strong metal fabricated carports; and

WHEREAS, Municipal Code Section 2.45.070(2) allows for the City to require the posting of a bond to guarantee performance of the Design Review project, which amount shall be fixed by the City; and

WHEREAS, the Planning Commission did, on January 20, 2021, hold a public hearing to consider all public oral and written comments, letters and documents, staff reports, and all other documents and evidence which are a part of the Record; and,

WHEREAS, the Planning Commission has reviewed all evidence submitted in connection with the application, including public testimony, staff report, supporting documentation, City codes and regulations, and all other relevant documents and evidence which are part of the record of proceedings; and,

WHEREAS, the Planning Commission finds that the proposal is considered exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, Class 1.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Willows does hereby find that the request to modify the timeframe for installation of site improvements (fifteen carports), is consistent with the City of Willows General Plan, the City of Willows Municipal Code, subject to the final adopted conditions of the June 17, 2020 resolution, and additional conditions set forth in Attachment #2 for the modification request.

IT IS HEREBY CERTIFIED that the foregoing Resolution was duly adopted at a regular meeting of the Planning Commission of the City of Willows on Wednesday, the 20th day of January 2021 by the following vote, to wit:

AYES: Woods, Griffith, Hansen, Muller
NOES: 0
ABSTAIN: 0
ABSENT: Bobadilla

APPROVED: _____
Hilgard Muller, Chairperson

ATTEST: _____
Maria Ehorn, Recording Secretary

DESIGN REVIEW CONDITIONS OF APPROVAL/for Site Improvement modification For

JAIMAC PROPERTIES LLC

PROPERTY LOCATED AT 251 S. TEHAMA STREET/APN; 003-061-009

PC approval date: January 20, 2021

General

1. That the applicant/developer shall enter into a Pass-Through Agreement with the City of Willows to pay the cost of all planning review, plan checking and field inspection of this development.
2. Per WMC Section 2.45.070(2), The developer may post a surety performance bond to guarantee the site improvements (installation of the fifteen-strong metal fabricated canopy carports with pillars supported by footings) to allow a reasonable period of time in which to complete the improvement. This bond would allow the project to obtain a Certificate of Occupancy prior to installation of the carports. The bond amount shall be set by the City based upon a written estimate from the developer, plus ten percent. The bond shall be for one year with a possible one-year renewal, taking into account the circumstances at the time. The City Council shall approve the bond after the Commission has heard the modification request.
3. The Architectural Design Review approval shall expire in one year unless otherwise stipulated by the Planning Commission. The applicant may apply to the Building Official for an extension of not more than one year from the original date of expiration, if he finds that there has been no substantial change in the factual circumstances surrounding the originally approved design. Substantial changes and any further extension beyond one year shall require Planning Commission approval.

Building Department:

4. The applicant shall submit 3 complete sets of plans for the carports to the building department for review, along with a completed building permit and plan review fees.

DRAFT RESOLUTION APPROVING THE Bond

RESOLUTION No. ____-2021

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS APROVING THE EXECUTION OF A FAITHFUL PERFORMANCE BOND TO JAIMAC PROPERTIES LLC TO ALLOW A ONE YEAR EXTENSION TO INSTALL SITE IMPROVEMENTS TO INCLUDE FIFTEEN CARPORTS FOR THE CHANGE OF USE PROJECT LOCATED AT 251 S TEHAMA STREET ASSESSORS PARCEL NUMBER 003-061-009

WHEREAS, Jaimac Properties LLC has requested additional time in which to install approved design review improvements to include fifteen carports for the project located at 251 S Tehama Street; and

WHEREAS, WMC Section 2.45.070(2) allows for the City to require the posting of a bond to guarantee performance of the Design Review project, which amount shall be fixed by the City; and

WHEREAS, a publicly noticed Planning Commission meeting was held on January 20, 2021 to request a modification to the Design Review approval to install site improvements for the project, and

WHEREAS, the Planning Commission adopted a resolution on January 20, 2021 recommending the City Council consider and approve the execution of a faithful performance bond to Jaimac Properties LLC in the amount of the carport estimate plus 10%; and

WHEREAS, the City Council has reviewed all evidence submitted in connection with the request to allow a modification of time in which to install the site improvements, including public testimony, staff report, supporting documentation, and all other relevant documents and evidence which are part of the record of proceedings; and,

WHEREAS, the City Council makes the following findings:

1. That approval of the Performance Bond will not have a significant impact on the environment.
2. The Performance Bond shall be set for one year, with a review thereafter.
3. The above recitals are true and correct and constitute a part of the findings made by this Resolution.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Willows does hereby approve the execution of the Performance Bond.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on this 9th day of February 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTESTED:

Mayor Domenighini, Mayor

Tara Rustenhoven City Clerk

PERFORMANCE BOND

Bond No. _____

FAITHFUL PERFORMANCE BOND

WHEREAS, the City Council of the City of Willows, State of California, and Jaimac Properties, LLC, (hereinafter designated as the "PRINCIPAL") have entered into an agreement whereby Principal agrees to install and complete certain designated on-site improvements for project located at 251 S. Tehama Street, APN: 003-061-009, (*project; install strong metal fabricated canopy carports supported by footings*), which said agreement, dated _____, 2021 and identified as project Change of use from motel to apartments Project, is hereby referred to and made a part of hereof; and

WHEREAS, said PRINCIPAL is required under the terms of Contract to furnish a bond for the faithful performance of said agreement, per WMC Section 2.45.070(2);

NOW, THEREFORE, WE, the PRINCIPAL and

_____ as surety (designated as "SURETY"), an admitted surety insurer authorized to do business in the State of California, are held and firmly bound unto the City (designated as "OBLIGEE"), in the penal sum of One hundred thirty-two thousand and 00/100 dollars (\$132,000.00), lawful money of the United States for the payment of which sum well and truly be made, we bind ourselves, our heirs, executors, and administrators, and successors, jointly and severally, firmly by these presents.

THE CONDITION OF THIS OBLIGATION IS SUCH that, if the above bound PRINCIPAL, his or its heirs, executors, administrators, successors, or assigns, shall in all things stand to and abide by, and well and truly keep and perform the covenants, conditions and agreements in the Contract and any alteration thereof made as therein provided, on his or their part to be kept and performed at the time and in the madder therein specified and in all respects according to their true intent and meaning, and shall defend, indemnify and save harmless the OBLIGEE, its officials, officers, employees, volunteers and agents, as therein stipulated, then this obligation shall become null and void, otherwise it shall be and remain in full force and virtue.

As part of the obligation secured hereby and in addition to the face amount specified therefor, there shall be included costs and reasonable expenses and fees, including reasonable attorney's fees, incurred by City in successfully enforcing such obligation, all to be taxed as costs and included in any judgment rendered.

And the said SURETY, for value received, hereby stipulates, and agrees that no change to the type of carports to be installed, alteration or addition to the terms of the Contract or to the work to be performed thereunder or to the specifications or the carport plans accompanying the same, as defined therein, shall in any way affect said Surety's obligation on this bond, and the SURETY does hereby waive notice of any such change, alteration or addition. One extension of time maybe approved, by the Council, if so warranted.

And the said SURETY, for value received, hereby stipulates and agrees that upon termination of the Contract for cause, the OBLIGEE reserves the right to refuse tender of the PRINCIPAL by the SURETY to complete the on-site work.

IN WITNESS WHEREOF, the above bound parties have executed this instrument under their several seals this _____ day of _____, 2021; the name and corporate seals of each corporate party hereto affixed and these presents duly signed by their undersigned representatives, pursuant to authority of their governing bodies.

(Corporate Seal)

PRINCIPAL _____

BY: _____

(Signature)

(Acknowledgement)

Title: _____

SURETY _____

(Corporate Seal)

BY: _____

(Attorney-in-fact)

(Acknowledgement)

Title: _____



REGULAR BUSINESS

AGENDA ITEM

TO: Wayne Peabody, Interim City Manager
FROM: Tim Sailsbery, Administrative Services Director
SUBJECT: Landscaping and Lighting Special Assessment District.

RECOMMENDATION

Adopt the Resolution appointing Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscaping and Lighting Special Assessment District; direct the preparation of the annual Engineer's Report for FY 2021-22.

SUMMARY:

The Willows Landscaping and Lighting Special Assessment District ("District") was initially formed by the City in 2005 to pay for costs associated with maintaining landscaping and maintenance in the Birch Street Village subdivision, this portion of the district is known as Zone A. In FY 2012-13, the Walmart parcel was annexed into the district and is known as Zone B. Zone B funds the street lights and traffic signals associated with the Walmart development. In FY 2020-21, the South Willows Commercial and Industrial Center were annexed into the district as Zone C. Zone C funds the streetlights and the annual operation and maintenance of the public improvements with that Zone. In accordance with the Landscaping and Lighting Act of 1972 ("Act").

The Landscaping and Lighting Act requires that the City undertake certain proceeding for any fiscal year in which assessments are to be levied and collected. These proceedings are typically accomplished at three separate Council meetings with the following actions:

- 1) Adopt a resolution appointing the Engineer of Work and directing the preparation of the annual Engineer's Report.
- 2) Approve the Engineer's Report, declare the City Council's intent to levy assessments and set a date for a public hearing.
- 3) Conduct a public hearing and authorize the levying and collection of assessments for the upcoming fiscal year.

The attached resolution begins the proceeding for the FY 2021-22. The Engineer's Report will analyze the anticipated costs and determine the corresponding assessments amounts. The City Council can make changes to the Engineer's Report once it has been prepared and filed. The Engineer's Report should be approved by the City no later than the end of June of each year so that the information can be transmitted to the County for the inclusion on the tax rolls. The County needs to have all information transmitted and correct no later than August 10th of each year. In order to meet this schedule and comply with the regulations of the Streets and Highways code for this type of Assessment District, the assessment engineering process should begin now.

FINANCIAL CONSIDERATIONS:

None; costs associated with the Annual District Assessment Engineering Services are covered expenses within the assessments ultimately levied.

NOTIFICATION:

None required at this time.

ALTERNATE ACTIONS

None recommended.

RECOMMENDATION

Adopt the Resolution appointing Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscaping and Lighting Special Assessment District; direct the preparation of the annual Engineer's Report for FY 2021-22.

Respectfully submitted,



Wayne Peabody
Interim City Manager

Attachments:

- A- Resolution Appointing the Engineer of Record and directing the filing of the annual Engineer's Report.
- Engineer of Record Proposal



City of Willows
Resolution -2021

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WILLOWS
APPOINTING COASTLAND CIVIL ENGINEERING AS THE ENGINEER OF
RECORD FOR THE CITY OF WILLOWS LANDSCAPING AND LIGHTING
SPECIAL ASSESSMENT DISTRICT AND DIRECTING THE
PREPARATION AND FILING OF THE ENGINEER'S REPORT FOR
FISCAL YEAR 2021-2022 (PURSUANT TO THE LANDSCAPING AND
LIGHTING ACT OF 1972)**

WHEREAS, on October 11, 2005 the City Council adopted Resolution #22-2005; authorizing the formation of the Assessment District to levy and collect assessments pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the City Council intends to levy and collect assessments within the Assessment District during FY 2021-22, located in the City of Willows, Glenn County; and

WHEREAS, pursuant to Section 22622 of the Streets and Highways Code, the City Council must annually appoint the Engineer of Record and direct the preparation and filing of the annual Engineer's Report in order to levy and collect assessments on any following fiscal year; and

WHEREAS, Coastland Civil Engineering, serves in the capacity of City Engineer and has demonstrated the expertise necessary to prepare the annual Engineer's Report.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Willows does hereby appoint Coastland Civil Engineering as the Engineer of Work for the City of Willows Landscaping and Lighting Special Assessment District and is hereby directed to prepare and to file the Annual Engineer's Report showing any changes, pursuant to Section 22565 of the Streets and Highways Code.

PASSED AND ADOPTED by the City Council of the City of Willows this 9th day of February, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

ATTESTED:

Larry Domenighini, Mayor

Tara Rustenhoven, City Clerk



COASTLAND

CIVIL ENGINEERING - CONSTRUCTION MANAGEMENT - BUILDING DEPARTMENT SERVICES

January 29, 2021

Mr. Wayne Peabody
Interim City Manager
201 N. Lassen Street
Willows, CA 95988

RE: Proposal for Assessment Engineering services for the City of Willows
FY 2021-22 Landscaping and Lighting Assessment District

Dear Wayne,

As we have done for the past several years, we have prepared this letter proposal for assessment engineering work associated with the City of Willows FY 2021-22 Landscaping and Lighting Assessment District (LLAD). We have provided these services to the City for a number of years and are very familiar with the annual proceedings required by the Streets and Highways Code for this type of maintenance assessment district. All costs associated with these services are paid through the special assessment district and there are no impacts to the City's General Fund or other funds.

As background, the City authorized the formation of a Landscape and Lighting Assessment District for the Birch Street subdivision (consisting of 34 single family parcels) in 2005. This portion of the district is known as Zone A and it funds the annual operation and maintenance of the public improvements within that Zone. In FY 2012-13, the Walmart parcel was annexed into the district and is known as Zone B. Zone B funds the streetlights and that portion of the traffic signal associated with the Walmart development. In FY 2020-21, the South Willows Commercial and Industrial Center parcels were annexed into the district as Zone C. Zone C funds the streetlights and the annual operation and maintenance of the public improvements within that Zone. This year, it is our understanding that the new McDonald's restaurant located in Zone B adjacent to the Walmart parking lot will be annexed into Zone B.

In order to comply with the rules and regulations of the 1972 Act for this type of an assessment district as shown in the Streets and Highways Code, an annual engineer's report must be filed. The engineer's report will include the required information regarding special and general benefits for all maintained improvements within each zone. With each annual engineer's report, changes must be noted, budgets must be established, fund balances must be calculated and assessments must be determined. We will be double checking with the Public Works Department as to whether the monies collected are sufficient to cover the operation and maintenance costs of each existing zone.

Please note that the following scope of work assumes that budgets with this year's LLAD will not exceed the maximum allowed under the previous engineer's reports. If budgets increase assessments beyond the maximum allowed, tasks will have to be added to include a required public information meeting and for preparation and mailing of special ballots as required per California Constitution Article XIII D (sometimes referred to as Proposition 218), Section 4. We

Santa Rosa
1400 Neotomas Avenue
Santa Rosa, CA 95405
Tel: 707.571.8005

Auburn
11641 Blocker Drive, Ste. 170
Auburn, CA 95603
Tel: 530.888.9929

Pleasant Hill
3478 Buskirk Avenue, Ste. 1000
Pleasant Hill, CA 94523
Tel: 925.233.5333

Fairfield
324 Campus Lane, Ste. A
Fairfield, CA 94534
Tel: 707.702.1961

can provide this additional information to the City if, and when it is determined that budgets will cause an increase in the assessments above the maximum allowed.

In order to keep the cost of this project as low as possible, we have written this proposal with the understanding that City staff will assist as much as possible, and specifically in the various areas noted below.

Based on our understanding of your needs, the following is our proposed scope of work to complete FY 2021-22 proceedings to levy and collect assessments:

SCOPE OF WORK

Task 1 - Meet and Coordinate with City Staff

Both at the onset of our work, as well as throughout the proceedings, we anticipate meeting with City staff, either by phone or in person, to ensure full coordination of the project. In the initial meeting we will provide the budget worksheets for the appropriate City staff to complete. A timeline will be prepared identifying deadlines and the three council meeting dates. One City staff person will need to be identified as our liaison. We will coordinate with the City to help them address the necessary apportionment of general and special benefits for the maintained improvements within each zone. Coordination will become particularly important both with the City Council meetings and the timing of the Public Noticing as required by the provisions regulating the Landscaping and Lighting Act of 1972.

Task 2 - Preparation of Agenda Reports and Resolutions for Three City Council Meetings

In accordance with the provisions of the Landscaping and Lighting Act of 1972 of Streets and Highways Code, the annual proceedings to levy and collect assessments typically require three separate City Council actions. We will prepare the draft agenda reports and resolutions for the three City Council meetings. We ask that the City provide Coastland (CCE) electronic file copies and hardcopies of the final, signed agenda reports and final, signed resolutions after each of the three City Council meetings.

Task 3 - Background Information

During the development of the FY 2021-22 Engineer's Report, we will need to gather all the appropriate background information from the City liaison. This information is typically gathered from Public Works, the Finance Department and the County Assessor's office. This includes completing a FY 2021-22 budget worksheet for each of the items included to be maintained, an Assessor's Parcel Map identifying the parcels proposed for annexation, changes to parcels within the LLAD (the City should provide us with updated County Assessor roll information for all parcels) and any other pertinent information necessary for inclusion within the FY 2021-22 Engineer's Report.

Task 4 - Budgets

Once the background information is collected, we will establish the budgets necessary for maintaining the LLAD improvements. The budgets in the FY 2021-22 Engineer's Report will be shown both in summary form and in a line item budget format in order to provide as much detail as possible. The maintenance, water and utility costs may each have a separate line item, as



well as City administrative effort necessary to administer the LLAD and maintenance oversight/staffing over the upcoming fiscal year.

Task 5 – FY 2021-22 Engineer's Report

We will use the methodology of apportionment described in the last year's Engineer's Report to equitably spread the FY 2021-22 LLAD costs to each of the parcels within the LLAD. Please note, if any changes to the budget result in an increase of the annual assessments above the maximum allowed, balloting to all impacted property owners will be required.

The existing maps (Assessment Diagrams) outlining those parcels included in the District for FY 2021-22 will be updated as necessary.

All the budgeting information as mentioned in Task 4 will be included within the Engineer's Report, as well as background on the formation of the LLAD, narrative descriptions of the Zones within the LLAD, the improvements maintained, any improvements or changes proposed for FY 2021-22 and a listing of the specific assessment that will be levied on each of the parcels within the LLAD. The Engineer's Report will include all items as required in Sections 22565 through 22574 of the Streets and Highways Code. For the second City Council meeting, a draft Engineer's Report in electronic PDF form will be forwarded to the City for review and comment. Once finalized, an electronic PDF of the Engineer's Report will be submitted to the City for copying and distribution in order to preliminarily approve at the second City Council's meeting. For the third City Council meeting (Public Hearing) the Final Engineer's Report in PDF format will be forwarded for copying and distribution for final approval at the third City Council meeting. In addition, four hardcopies of the final Engineer's Report will be sent following the third City Council meeting for three signature certifications, typically by the City Clerk. Three signed copies are for the City's files; the fourth is to be returned for our files. A certified copy of the final authorizing resolution to levy and collect assessments will also be needed from the City in order to forward the assessment rolls to the County.

Task 6 – Preparation of Ballots

California Constitution Article XIII D, Section 4, states that the levying of any increased assessments on any parcels or new assessments as a result of annexation into an assessment district requires a special election by the impacted property owners of record. This is typically accomplished through a mailed ballot procedure. Ballots are mailed to each of the property owners impacted by an increase in the assessment or annexation. City staff will coordinate with the City Attorney on the format of the ballot documents. We will work with the City Clerk to supply the clerk with one complete set of ballot documents once completed. The ballot documents will include a listing of all balloted property owners, a copy of each letter mailed, and a sample of each envelope type used. The City Clerk will have to notify City staff as required to anticipate the return of ballot envelopes that are not to be opened prior to the third council meeting.

Task 7 – Public Information Meeting

As required by the Ralph M. Brown Act (commencing with Government Code Section 54954.6), an informal public information meeting must be held between the dates of the filing of the Engineer's Report and the Public Hearing if any new or increased assessments are proposed. The informal public information meeting provides an opportunity for those impacted property owners to find out more information about the assessment district and the proposed assessments.



Task 8 – Assistance at City Council Meetings

We have included the cost to attend one Council meeting. We will be available to attend additional Council meetings associated with processing the LLAD on an as-needed, time and materials basis. It should be noted that, per our experience with other districts, the first Council meeting to appoint the District Engineer is typically a consent item.

Task 9 - Information to County Assessor' Office

Once the City Council approves the FY 2021-22 Engineer's Report at the Public Hearing and authorizes the levy and collection of the annual assessments to parcels within the assessment LLAD, we will compile the necessary information in the format desired by the County Assessor's Office and transfer this information to the County Assessor's Office for inclusion on the tax rolls for FY 2021-22. As prescribed by law, this information will be transmitted prior to August 10 of this year.

Project Fee

Based upon our described scope of work, we propose to provide our professional engineering services on a time and materials basis for a not to exceed amount of \$9,565. The total amount we have specified is only for our described Scope of Work. If you request work to be performed outside the scope of work or if the scope of work changes, we reserve the right to negotiate the cost for the extra work. Please note that we have estimated a budget of \$240 for reimbursable costs (primarily for printing the engineer's report.) This amount is included in the above total and is for reimbursable costs that are typically billed on an as-incurred basis plus 15%.

Schedule

As prescribed by the Landscaping and Lighting Act of 1972, we will complete all work associated with the Engineer's Report for FY 2021-22 by the end of April (for the preliminary engineer's report.) Assuming no revisions are needed to this report, the report will also be used in at the Public Hearing in June. Once fully approved, we will transmit the required information to the County no later than August 10th.

We hope this proposal meets with your approval. If it meets with your approval, we have provided a Project Specific Supplemental Agreement for your consideration and signature. If you have any questions regarding this proposal, please let me know. We appreciate the opportunity to serve the City.

Sincerely,



John Wanger

CC Royce Cunningham, Interim Community Development Services Director



WORK ESTIMATE

CITY OF WILLOWS
Landscaping and Lighting District

FY 2021-22 LLAD

TASK NUMBER	TASK	Principal Engineer	Senior Engineer	Engr Tech	Admin	TOTAL HOURS	TOTAL COST
		\$200	\$160	\$135	\$90		
1	MEET AND COORDINATE WITH CITY STAFF						
	Meetings	0.5	2			2.5	\$420
	Special Benefit	0.25	1			1.25	\$210
2	PREPARE AGENDA REPORTS AND RESOLUTIONS						
	Appointing Engineer of Work	0.5	2			2.5	\$420
	Preliminary Engineer's Report	0.5	4			4.5	\$740
	Final Approval of Engineer's Report	0.5	2			2.5	\$420
3	BACKGROUND INFO.						
	Assessor parcel maps		2			2	\$320
	Acquire recorded & electronic final map	0.5				0.5	\$100
	Property owner information from the County		1			1	\$160
	Budget information		4			4	\$640
4	BUDGETS						
	Develop Detailed Spreadsheets		4			4	\$640
	Work with City Staff to develop budgets	0.5	1			1.5	\$260
5	ENGINEER'S REPORT						
	Spread of cost		4			4	\$640
	Assessment diagram		1	3		4	\$565
	Report Preparation	1.5	4	1	1	7.5	\$1,165
	Report Distribution		1	1	1	3	\$385
6	PREPARATION OF BALLOTS						
	Ballot preparation/review with City	1	3			4	\$680
	Mail Preparation		2			2	\$320
	Ballot Documentation to City		1			1	\$160
7	PUBLIC INFORMATION MEETING						
	Public information meeting (1)	1				1	\$200
8	CITY COUNCIL MEETINGS						
	City Council Meetings (2)	2				2	\$400
9	COORDINATION WITH COUNTY						
	Convert data to county format and deliver to County		3			3	\$480
TOTAL		8.75	42	5	2	57.75	\$9,325
	INCIDENTAL COSTS						
	Reproduction costs						\$60
	Mileage						\$180
TOTAL WITH INCIDENTAL COSTS							\$9,565

PROJECT SPECIFIC SUPPLEMENTAL AGREEMENT

WHEREAS, the City of Willows (herein referred to as "Agency") entered into a Public Agency Agreement with Coastland Civil Engineering, Inc. (herein referred to as "Consultant") to provide City Engineering Services; and

WHEREAS, said Public Agency Agreement for City Engineering allows for additional project specific engineering services to be assigned by the Agency on an as-needed basis; and

WHEREAS, the Agency has determined that the Agency needs Professional Engineering Services for preparation of the annual Lighting and Landscaping Special Assessment District Engineer's Report (hereinafter referred to as "Project"); and

WHEREAS, the Agency does not have the current staff with expertise to provide these services and needs to retain a consultant with the appropriate experience for this work; and

WHEREAS, Consultant has experienced staff with the proper experience and background to carry out the duties involved for this work; and

WHEREAS, Agency wishes to retain Consultant for the performance of services associated with said Project, subject to all the terms and conditions as set for in the original Public Agency Agreement with Consultant.

THEREFORE, Agency and Consultant mutually agree to the scope of work and additional fee as follows:

Scope of Work

All work associated with the Project shall be per the scope of work attached as Exhibit "A".

Payment Terms

For Consultant Services associated with the Project, Agency agrees to pay Consultant in accordance with the payment terms provided on Exhibit "B" attached hereto and incorporated herein by this reference.

IN WITNESS HEREOF, the parties have caused their authorized representative to execute this amendment on _____, 2021.

CITY OF WILLOWS "AGENCY"

BY: _____

COASTLAND CIVIL ENGINEERING, INC. "CONSULTANTS"

BY: _____
John L. Wanger, CEO



Exhibit "A"
SCOPE OF WORK

Task 1 - Meet and Coordinate with City Staff

Both at the onset of our work, as well as throughout the proceedings, we anticipate meeting with City staff, either by phone or in person, to ensure full coordination of the project. In the initial meeting we will provide the budget worksheets for the appropriate City staff to complete. A timeline will be prepared identifying deadlines and the three council meeting dates. One City staff person will need to be identified as our liaison. We will coordinate with the City to help them address the necessary apportionment of general and special benefits for the maintained improvements within each zone. Coordination will become particularly important both with the City Council meetings and the timing of the Public Noticing as required by the provisions regulating the Landscaping and Lighting Act of 1972.

Task 2 - Preparation of Agenda Reports and Resolutions for Three City Council Meetings

In accordance with the provisions of the Landscaping and Lighting Act of 1972 of Streets and Highways Code, the annual proceedings to levy and collect assessments typically require three separate City Council actions. We will prepare the draft agenda reports and resolutions for the three City Council meetings. We ask that the City provide Coastland (CCE) electronic file copies and hardcopies of the final, signed agenda reports and final, signed resolutions after each of the three City Council meetings.

Task 3 - Background Information

During the development of the FY 2021-22 Engineer's Report, we will need to gather all the appropriate background information from the City liaison. This information is typically gathered from Public Works, the Finance Department and the County Assessor's office. This includes completing a FY 2021-22 budget worksheet for each of the items included to be maintained, an Assessor's Parcel Map identifying the parcels proposed for annexation, changes to parcels within the LLAD (the City should provide us with updated County Assessor roll information for all parcels) and any other pertinent information necessary for inclusion within the FY 2021-22 Engineer's Report.

Task 4 - Budgets

Once the background information is collected, we will establish the budgets necessary for maintaining the LLAD improvements. The budgets in the FY 2021-22 Engineer's Report will be shown both in summary form and in a line item budget format in order to provide as much detail as possible. The maintenance, water and utility costs may each have a separate line item, as well as City administrative effort necessary to administer the LLAD and maintenance oversight/staffing over the upcoming fiscal year.

Task 5 - FY 2021-22 Engineer's Report

We will use the methodology of apportionment described in the last year's Engineer's Report to equitably spread the FY 2021-22 LLAD costs to each of the parcels within the LLAD. Please note, if any changes to the budget result in an increase of the annual assessments above the maximum allowed, balloting to all impacted property owners will be required.



The existing maps (Assessment Diagrams) outlining those parcels included in the District for FY 2021-22 will be updated as necessary.

All the budgeting information as mentioned in Task 4 will be included within the Engineer's Report, as well as background on the formation of the LLAD, narrative descriptions of the Zones within the LLAD, the improvements maintained, any improvements or changes proposed for FY 2021-22 and a listing of the specific assessment that will be levied on each of the parcels within the LLAD. The Engineer's Report will include all items as required in Sections 22565 through 22574 of the Streets and Highways Code. For the second City Council meeting, a draft Engineer's Report in electronic PDF form will be forwarded to the City for review and comment. Once finalized, an electronic PDF of the Engineer's Report will be submitted to the City for copying and distribution in order to preliminarily approve at the second City Council's meeting. For the third City Council meeting (Public Hearing) the Final Engineer's Report in PDF format will be forwarded for copying and distribution for final approval at the third City Council meeting. In addition, four hardcopies of the final Engineer's Report will be sent following the third City Council meeting for three signature certifications, typically by the City Clerk. Three signed copies are for the City's files; the fourth is to be returned for our files. A certified copy of the final authorizing resolution to levy and collect assessments will also be needed from the City in order to forward the assessment rolls to the County.

Task 6 – Preparation of Ballots

California Constitution Article XIII D, Section 4, states that the levying of any increased assessments on any parcels or new assessments as a result of annexation into an assessment district requires a special election by the impacted property owners of record. This is typically accomplished through a mailed ballot procedure. Ballots are mailed to each of the property owners impacted by an increase in the assessment or annexation. City staff will coordinate with the City Attorney on the format of the ballot documents. We will work with the City Clerk to supply the clerk with one complete set of ballot documents once completed. The ballot documents will include a listing of all balloted property owners, a copy of each letter mailed, and a sample of each envelope type used. The City Clerk will have to notify City staff as required to anticipate the return of ballot envelopes that are not to be opened prior to the third council meeting.

Task 7 – Public Information Meeting

As required by the Ralph M. Brown Act (commencing with Government Code Section 54954.6), an informal public information meeting must be held between the dates of the filing of the Engineer's Report and the Public Hearing if any new or increased assessments are proposed. The informal public information meeting provides an opportunity for those impacted property owners to find out more information about the assessment district and the proposed assessments.

Task 8 – Assistance at City Council Meetings

We have included the cost to attend one Council meeting. We will be available to attend additional Council meetings associated with processing the LLAD on an as-needed, time and materials basis. It should be noted that, per our experience with other districts, the first Council meeting to appoint the District Engineer is typically a consent item.



Task 9 - Information to County Assessor' Office

Once the City Council approves the FY 2021-22 Engineer's Report at the Public Hearing and authorizes the levy and collection of the annual assessments to parcels within the assessment LLAD, we will compile the necessary information in the format desired by the County Assessor's Office and transfer this information to the County Assessor's Office for inclusion on the tax rolls for FY 2021-22. As prescribed by law, this information will be transmitted prior to August 10 of this year.



Exhibit "B"
ESTIMATED COST

Based on our scope of work, we are proposing that the services associated with this project be completed for a not-to-exceed amount of \$9,565. The amount quoted is assuming that all work for this project will fall under the scope of work as previously described. If additional work is necessary that falls outside of this scope of work, we can either re-negotiate a new scope of work or provide these services on a time and materials basis per our adopted schedule of hourly rates.

Please note that in the not-to-exceed amount, we have included an estimated amount of \$240 for reimbursable expenses (i.e. printing, plotting, etc.) These reimbursable costs will be billed at cost plus 15%.



AGENDA ITEM

TO: Honorable Mayor Larry Domenighini and Members of the City Council
FROM: Wayne Peabody, Interim City Manager
SUBJECT: Audit of Sewer Enterprise Fund

RECOMMENDATION

Discuss and provide guidance to Staff.

SITUATION (or BACKGROUND):

At the City council meeting held on January 26, 2021. Mr. Williams requested that an item be placed onto the agenda in regard to City Council in regards to requesting the State of California to do an Impartial Audit for the Sewer Enterprise Fund. As instructed by council the item has been placed on the agenda for discussion and direction to staff.

FINANCIAL CONSIDERATIONS:

None at this time.

NOTIFICATION

N/A

ALTERNATIVES

None at this time.

RECOMMENDATION

Discuss and provide Direction to staff.

Respectfully submitted,



Wayne Peabody